

Jun 26, 2020

SEAN F. MCAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	No. 2:15-CR-144-SMJ-5
vs.)	
)	
JOSHUA J. JOHNSON,)	
)	
Defendant.)	
_____)	

Received Rule 5 papers from the United States District Court,
Western District of Washington.



UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF WASHINGTON

OFFICE OF THE CLERK

Seattle

700 Stewart St., Suite 2310

Seattle, WA 98101

(206) 370-8400

WILLIAM M. MCCOOL
District Court Executive
Clerk of Court

LORI LANDIS
Chief Deputy Clerk

June 25, 2020

CLERK, US DISTRICT COURT

Eastern District of Washington

920 West Riverside Avenue,

Suite 840

Spokane, WA 99201-1010

Re: Joshua J. Johnson

Your No: 2:15-cr-00144-SMJ-5

Our No: MJ20-374

Dear Clerk

Pursuant to the order transferring the above captioned case to your court per RULE 5(c)(3)(D), dated June 25, 2020, please download the documents maintained electronically by the District Court through PACER for the Western District of Washington at

<https://ecf.wawd.uscourts.gov/>.

Please acknowledge receipt of this letter.

Sincerely,

WILLIAM M. MCCOOL, District Court Executive

By Stefanie Prather,
Deputy Clerk

UNITED STATE DISTRICT COURT
For the WESTERN DISTRICT OF WASHINGTON
at Seattle

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JOSHUA J. JOHNSON,

Defendant

Case No.: MJ20-374

WAIVER OF RULE 5(c)(3)(D) HEARING
and ORDER OF TRANSFER

WAIVER OF RULE 5(c)(3)(D) HEARING

I, Joshua J. Johnson, have appeared before a United States Magistrate Judge in the Western District of Washington, who has advised me of the provisions of Rule 20 and of my right to further hearing pursuant to Rule 5(c)(3)(D) of the Federal Rules of Criminal Procedure. I wish to waive my right to such further hearing, therefore:

- a) I acknowledge that I am the person named in an indictment, information, or Warrant pending in the U.S. District Court for the Eastern District of Washington;
- b) I waive my right to production of the warrant or of any other original paper Related to these charges or certified copies thereof;
- c) If I am entitled to a preliminary examination. I elect to have it conducted in the district where the prosecution is pending: and

Magistrate Judge Michelle L. Peterson

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOSHUA J. JOHNSON,

Defendant.

NO. MJ20-374

MOTION FOR DETENTION

The United States moves for pretrial detention of the Defendant, pursuant to 18 U.S.C. § 3142(e) and (f)

1. **Eligibility of Case.** This case is eligible for a detention order because this case involves (check all that apply):

- ☒ Crime of violence (18 U.S.C. § 3156).
- ☐ Crime of Terrorism (18 U.S.C. § 2332b (g)(5)(B)) with a maximum sentence of ten years or more.
- ☐ Crime with a maximum sentence of life imprisonment or death.
- ☐ Drug offense with a maximum sentence of ten years or more.

- 1 ☐ Felony offense and defendant has two prior convictions in the four
2 categories above, or two State convictions that would otherwise fall within
3 these four categories if federal jurisdiction had existed.
- 4 ☐ Felony offense involving a minor victim other than a crime of violence.
- 5 ☐ Felony offense, other than a crime of violence, involving possession or use
6 of a firearm, destructive device (as those terms are defined in 18 U.S.C. §
7 921), or any other dangerous weapon.
- 8 ☐ Felony offense other than a crime of violence that involves a failure to
9 register as a Sex Offender (18 U.S.C. § 2250).
- 10 ☒ Serious risk the defendant will flee.
- 11 ☐ Serious risk of obstruction of justice, including intimidation of a
12 prospective witness or juror.

13

14 2. **Reason for Detention.** The Court should detain defendant because there
15 are no conditions of release which will reasonably assure (check one or both):

- 16 ☒ Defendant's appearance as required.
- 17 ☒ Safety of any other person and the community.

18 3. **Rebuttable Presumption.** The United States will invoke the rebuttable
19 presumption against defendant under § 3142(e). The presumption applies because:

- 20 ☐ Probable cause to believe defendant committed offense within five years of
21 release following conviction for a qualifying offense committed while on
22 pretrial release.
- 23 ☐ Probable cause to believe defendant committed drug offense with a
24 maximum sentence of ten years or more.
- 25 ☐ Probable cause to believe defendant committed a violation of one of the
26 following offenses: 18 U.S.C. §§ 924(c), 956 (conspiracy to murder or
27 kidnap), 2332b (act of terrorism), 2332b(g)(5)(B) (crime of terrorism).
- 28

- ☐ Probable cause to believe defendant committed an offense involving a victim under the age of 18 under 18 U.S.C. §§1591, 2241, 2242, 2244(a)(1), 2245, 2251, 2251A, 2252(a)(1) through 2252(a)(3), 2252A(a)(1) through 2252A(a)(4), 2260, 2421, 2422, 2423 or 2425.

4. **Time for Detention Hearing.** The United States requests the Court conduct the detention hearing:

- ☒ At the initial appearance
- ☐ After a continuance of ____ days (not more than 3)

DATED this 25th day of June, 2020.

Respectfully submitted,

BRIAN T. MORAN
United States Attorney

s/ Cecelia Y. Gregson
CECELIA Y. GREGSON
Special Assistant United States Attorney

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4 UNITED STATES DISTRICT COURT
5 WESTERN DISTRICT OF WASHINGTON
6 AT SEATTLE
7

8 UNITED STATES OF AMERICA,
9
10 v.
11 Joshua J. Johnson,
12 Defendant.

Case No. 2:15-cr-00144-SMJ

DEFENDANT'S WAIVER OF IN-
PERSON APPEARANCE AND
CONSENT TO PROCEED BY
VIDEO/TELEPHONIC
CONFERENCE

13 I, Joshua J. Johnson, the above named defendant, acknowledge that I have been advised
14 by my lawyer and the Court – by this form -- that pursuant to the Federal Rules of Criminal
15 Procedure and the Sixth Amendment to the U.S. Constitution, I generally have the right to be
16 personally present in open court to any hearing involving a criminal proceeding to which I am a
17 party.

18 I am scheduled to have the following hearing on June 25, 2020 :

19 Rule 5 Hearing

20 I have been advised by my lawyer that because of coronavirus disease 2019 (COVID-19),
21 the Governor of the State of Washington has issued an Emergency Proclamation and Chief Judge
22 Ricardo S. Martinez in the Western District of Washington has issued a General Order 02-___
23 regarding Emergency Hearings. As a result, I cannot currently be personally present in open
24

25 DEFENDANT'S WAIVER OF IN-PERSON APPEARANCE
AND CONSENT TO PROCEED BY VIDEO/TELEPHONIC
CONFERENCE - 1

1 court for this scheduled hearing. Therefore, I wish to waive my right to be personally present in
2 open court for the above-hearing, and acknowledge that my right to due process under the
3 Constitution is best protected by moving forward with the hearing(s) by video/telephonic
4 conference.

5 I have discussed with my lawyer this consent to appear and participate by
6 video/telephonic conference and have agreed to the same.

7 I have also authorized by lawyer to electronically execute this form on my behalf.

8
9 Dated this 25th day of June, 2020

10
11 *s/Mohammad Ali Hamoudi*

12 Lawyer's signature, electronically executed,

13 On behalf of Joshua J. Johnson
14
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24

d) I consent to the issuance of an order directing me to appear and answer in said district where the charges are pending

Dated the 25th day of June, 2020

s/Mohammad Ali Hamoudi

Defense Counsel

s/Mohammad Ali Hamoudi

On Behalf of Joshua Johnson

ORDER OF TRANSFER

Based upon the foregoing Waiver, it is hereby ORDERED that the further proceedings in this case shall be conducted in the U.S. District Court for the Eastern District of Washington.

The Clerk of this Court shall forthwith transmit to the Clerk in said district the records of proceedings conducted in this district. Unless the defendant is released on bond, the U. S. Marshal is directed to transport defendant as promptly as possible to that district.

If released on bond, the defendant is directed to appear in that district for further proceedings at the time and place specified on the bond, or as otherwise directed by court order.

Dated this 25th day of June, 2020



United States Magistrate Judge

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CLOSED

U.S. District Court
United States District Court for the Western District of Washington (Seattle)
CRIMINAL DOCKET FOR CASE #: 2:20-mj-00374-MLP-1

Case title: USA v. Johnson
Other court case number: 2:15-cr-00144-SMJ-5 Eastern
District of Washington

Date Filed: 06/25/2020
Date Terminated: 06/25/2020

Assigned to: Hon. Michelle L. Peterson

Defendant (1)

Joshua J Johnson

TERMINATED: 06/25/2020

represented by **Mohammad Ali Hamoudi**
FEDERAL PUBLIC DEFENDER'S
OFFICE (SEA)
1601 5TH AVE
STE 700 WESTLAKE CENTER
OFFICE TOWER
SEATTLE, WA 98101
206-553-1100
Email: Mo_Hamoudi@fd.org
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Public Defender or
Community Defender Appointment

Pending Counts

None

Disposition

Highest Offense Level (Opening)

None

Terminated Counts

None

Disposition

Highest Offense Level (Terminated)

None

Complaints

Disposition

Supervised Release Violation

Plaintiff**USA**

represented by **Cecelia Youngberg Gregson**
 UNITED STATES ATTORNEY'S
 OFFICE
 700 STEWART STREET
 STE 5220
 SEATTLE, WA 98101
 206-296-9000
 Email: Cecelia.Gregson@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Assistant US Attorney

Date Filed	#	Docket Text
06/25/2020	<u>1</u>	CHARGING DOCUMENT RECEIVED FROM the Eastern District of Washington as to Joshua J Johnson. (SNP) (Entered: 06/25/2020)
06/25/2020		Arrest of Joshua J Johnson on 6/25/2020. (SNP) (Entered: 06/25/2020)
06/25/2020		Case unsealed as to Joshua J Johnson. (SNP) (Entered: 06/25/2020)
06/25/2020	4	ORDER APPOINTING FEDERAL PUBLIC DEFENDER appointing Mohammad Ali Hamoudi for Joshua J Johnson. On the basis of the defendant's sworn financial statement, the court finds that he/she is financially unable to retain counsel. It is hereby ORDERED that the Federal Public Defender for the Western District of Washington be and hereby is appointed to represent the defendant pursuant to Title 18 United States Code 3006A. Approved by Hon. Michelle L. Peterson. <i>(No.pdf image attached)</i> (SNP) (Entered: 06/25/2020)
06/25/2020	<u>5</u>	WAIVER OF IN-PERSON APPEARANCE by defendant Joshua J Johnson. (SNP) (Entered: 06/25/2020)
06/25/2020	<u>6</u>	MOTION for Detention by USA as to Joshua J Johnson. (SNP) (Entered: 06/25/2020)
06/25/2020	7	Minute Entry for proceedings held before Hon. Michelle L. Peterson- CRD: <i>S. Prather</i> ; AUSA: <i>Cecelia Gregson</i> ; Def Cnsl: <i>Mohammad Hamoudi</i> ; PTS: <i>Lorraine Bolle</i> ; Court Reporter: <i>Debbie Zurn</i> ; Time of Hearing: 2:00PM; Courtroom: 12B; INITIAL APPEARANCE IN RULE 5(c)(3) PROCEEDINGS AND DETENTION HEARING as to Joshua J Johnson held on 6/25/2020. Defendant present in custody via WebEx conference from Courtroom 12A, pursuant to General Order 08-20. Parties address the need for video hearing. Defendant consents to appear by video. Defendant advised of rights. Financial Affidavit reviewed. Counsel appointed. Defendant advised of allegations and penalties in the Eastern District of Washington petitions.

		Defendant waives Identity Hearing. Court signs Order of Transfer. Government moves for detention. Defense counsel argues for release. For reasons stated on the record, defendant ORDERED detained and remanded to custody. (SNP) (Entered: 06/25/2020)
06/25/2020	<u>8</u>	WAIVER OF RULE 5 HEARINGS AND ORDER OF TRANSFER to the Eastern District of Washington as to Joshua J Johnson by Hon. Michelle L. Peterson. (cc: PTS, USMO) (SNP) (Entered: 06/25/2020)
06/25/2020	<u>9</u>	LETTER to the Eastern District of Washington regarding Rule 5 Transfer as to defendant Joshua J Johnson. (SNP) (Entered: 06/25/2020)